IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FARAD CONTINUNATION SHEET

CIVIL APPLICATION NO.2296 OF 2007
IN
FIRST APPEAL NO.1227 OF 2005

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Office Notes,Office memorandum of Coram, appearances,Court's orders or directions & Registrar's orders.	**Court's or Judge's orders**

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Mr.Hardas i/b Mr.P.N.Joshi for the Applicant
Mr.J.G.Reddy for the Respondent.

CORAM: A.S.OKA, J.
DATE : SEPTEMBER 28,2007.

P.C.:

1. Heard Advocates for the parties. The learned Advocate for the Applicant states that he is not pressing prayer clause (a) as he wants to apply for modification/review of the order passed by this court on application for stay.

2. In so far as prayer (b) is concerned, the First Appeal is already admitted. Though the Applicant (original plaintiff) can be permitted to withdraw the amount deposited by the respondent, the Applicant will have to give adequate security for the said amount to the satisfaction of the

trial court.

3. Hence, Civil Application is disposed of by passing the following order ;

i) Prayer (a) is rejected with liberty to the Applicant to make appropriate application for modification/review of the order passed on stay application.

ii) The applicant is permitted to withdraw the amount deposited by the Respondent with the trial court subject to furnishing adequate security for the said amount to the satisfaction of the trial court. The Respondent will be heard by the trial court before accepting the security. There will be no order as to costs.

JUDGE